REMARKS

Claims 1-15 are all the claims pending in the application, with claims 1, 5, and 10 being the only independent claims. Applicant has presented a current claim listing for the convenience of the Examiner. No amendments to the claims are currently submitted.

As an initial mater, Applicant notes with appreciation that the drawing figures have been accepted, and that the IDS papers filed on August 12, 2004, have been signed and acknowledged by the Examiner. Applicant further notes that a second IDS was submitted, with the appropriate fee, after the mailing date of the present Office Action. Applicant looks forward to receiving signed acknowledgement of such papers in the next communication from the PTO in this matter.

Claims 1-3, 6, and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doi et al. (U.S. Pat. Pub. 2004/0158853) in view of Betz et al. (U.S. Pat. Pub. 2003/0126605). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Doi and Betz, and further in view of Wilder et al. (U.S. Pat. Pub. 2003/0051246). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Doi and Wilder. Claims 5, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doi et al. (U.S. Pat. Pub. 2004/0158853). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Rejection under §103(a)

Claims 1-3, 6, and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doi in view of Betz.

Claim 1 is directed toward a method which requires "while displaying a selected discrete selectable item of data: using the characterizing descriptors . . . to provide at least one selection criterion." Page 2 of the Office Action refers to various portions of the Doi reference as teaching this feature. Applicant respectfully disagrees.

The current Action relies upon paras. 0044 and 0052 of Doi as teaching the just-identified "characterizing descriptors" and "item of data" features. The entire portion of Doi relied upon by the Action is as follows:

> [0044] "FIG. 3 shows a specific example of the EPG. Televisual programs provided from a plurality of broadcasting stations (e.g., Mtv, Ltv, Etv, and Ftv) are classified into categories such as "for children" and "for old-aged", and identifiers (program IDs) for uniquely identifying a televisual program, broadcasting station, a day of the week, and time are described."
>
> [0052] "To see a desired program without selecting it from the program guide window, the viewer can operate a program selection button 201 at the lower left corner of the program guide window using the remote controller to end display of the program guide window and directly select the desired program, as in the prior art (step S5)." (Emphasis added).

It therefore appears that the Office Action has the position that the TV programs of Doi disclose the claimed "item of data" and that the categories ("for children" and "for old-aged") aspect of Doi discloses the claimed "characterizing descriptors" feature. Assuming *arguendo* that this is correct, claim 1 is believed distinguishable for the following reasons.

First of all, Applicant emphasizes that the identified claim element requires

(1) "while displaying a selected discrete selectable item of data:"

(2) "using the characterizing descriptors . . . ."

As one distinction, the cited para. 0052 of Doi does not even describe displaying the TV programs referred to in para. 0044. To the contrary, para. 0052 relates to displaying program categories in a program guide window, such as that which is shown in Fig. 5. Para. 0048 of Doi explains this process in more detail. Since Doi simply discloses displaying program categories, this portion of the reference is entirely distinguishable from the "while displaying a selected discrete selectable item of data" feature required by claim 1.

Similarly, the cited para. 0044 of Doi also does not describe displaying a TV program (item of data). Instead, this portion of Doi merely refers to Fig. 3 as showing an example of an electronic program guide, which presumably lists the names of various TV programs (item of data). This means that Doi merely provides a list of TV programs, but not the TV program itself. Since Doi is not providing the TV program, it cannot therefore teach the "while displaying a selected discrete selectable item of data," as required by claim 1. Again, the Office Action has equated the TV program of Doi with the claimed "item of data"; and thus, the analysis herein focuses on such an understanding.

A second, similar, distinction relates to the claimed "while displaying a selected discrete selectable item of data: . . . using the at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data." The current Action relies upon para. 0054 of Doi as teaching the just-identified "selection criterion" feature. The cited passage of Doi is as follows:

> "When a category is selected from the program guide window in step S4, the window generation unit 3 resorts program data classified into the category in the order of broadcasting times on the basis of EPG as shown in FIG. 3 to generate the recommended program list of televisual programs belonging to the category, as shown in FIG. 6, and presents the recommended program list on the presentation unit 6 (step S7)." (Doi para. [0044]) (emphasis added).

It therefore appears that the Office Action has the position that the selected category of Doi teaches the claimed "selection criterion." Assuming *arguendo* that this is correct, claim 1 is believed distinguishable for the following additional reasons.

The forgoing portion of Doi indicates that Figs. 3 and 6 illustrate this portion of the Doi system. However, even if either or both of Figs. 3 and 6 disclose using the program category (selection criterion), claim 1 is distinguishable since neither figure provides the displaying the TV program (item of data). This deficiency of Fig. 3 is discussed above.

Looking next to Fig. 6, Applicant notes that this figure merely depicts the recommended program list of programs and does not provide the actual TV program (item of data). Consequently, Doi cannot teach or suggest the "while displaying a selected discrete selectable item of data" feature required by claim 1.

In view of the foregoing, Applicant has demonstrated that Doi does not teach at least one feature recited in claim 1. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Doi and Betz in the manner asserted, claim 1 would be patentable since all of the recited claim elements are not taught or reasonably suggested.

Independent claim 10 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. Rejected dependent claims 2, 3, and 11-15 are believed to be patentable at least by virtue of their respective dependence on the patentable independent claims 1 and 10. Rejected dependent claim 6 is

likewise believed to be patentable at least by virtue of it dependence on patentable claim 5 (discussed below).

Rejection under §102(e)

Claims 5, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Doi.

Independent claim 5 includes language similar to that of claim 1 as discussed. Note that one difference is that claim 1 recites "selectable item of data," whereas claim 5 recites a "selectable item of audio/visual content." The rejections provided in the Office Action are also quite similar and rely on essentially the same portions of the Doi reference. Although claims 1 and 5 are to be considered based upon their respective elements, Applicant submits that the analysis and distinctions presented above with regard to claim 1 apply also to claim 5, and thus, claim 5 is believed patentable over Doi. Rejected dependent claims 7 and 8 are also believed to be patentable at least by virtue of their dependence on patentable claim 5.

Dependent claims 4 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Doi in view of various other references. Applicant has demonstrated above that Doi does not teach or suggest various features recited in independent claims 1 and 5. Applicant further submits that none of the other references of record supply any of the deficiencies of Doi. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of the asserted references in the manner alleged, dependent claims 4 and 9 would be patentable at least by virtue of their respective dependencies upon patentable independent claims 1 and 5.

CONCLUSION

In view of the above, Applicant submits that the currently pending claims are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to deposit account No. 06-1135.

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